

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROBERT C. GREEN,

Defendant.

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8:06CR191

ORDER

This matter is before the court on the motion to continue by defendant Robert C. Green (Green) (Filing No. 23). Green seeks a continuance of the trial of this matter which is scheduled for August 28, 2006. Green's counsel represents that counsel for the government has no objection to the motion. Green's counsel represents that Green will submit an affidavit in accordance with paragraph 9 of the progression order whereby Green consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motion will be granted.

**IT IS ORDERED:**

1. Green's motion to continue trial (Filing No. 23) is granted.
2. Trial of this matter is re-scheduled for **October 10, 2006**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **August 24, 2006 and October 10, 2006**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 24th day of August, 2006.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge